

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

REGINALD SMITH,

Plaintiff,

-vs-

SHERIFF OF COOK COUNTY,
and COOK COUNTY, ILLINOIS,

Defendants.

07CV6166

JUDGE DARRAH

MAG.JUDGE BROWN

) (jury demand)
)
)
)
)

JH

COMPLAINT

Plaintiff, by counsel, alleges as follows:

FILED
NOV - 1 2007
Nov. 1, 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT


1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Plaintiff Reginald Smith is a resident of the Northern District of Illinois.
3. Defendants are the Sheriff of Cook County and Cook County, Illinois. The Sheriff is sued in his official capacity only; the County is joined pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003) and because it is responsible for the policies and practices of Cermak Health Services.
4. Cermak Health Services is the source of all health care to inmates at the Cook County Jail.
5. The Office of the Sheriff and Cook County, through the Executive Director of Cermak Health Services, have the responsibility and duty to develop and to apply policies and procedures to provide medical services to persons confined at the Jail.

6. The Office of the Sheriff and Cermak Health Services apply a policy of seizing all prescription medication from incoming detainees.
7. The Office of the Sheriff and Cermak Health Services have a practice of delaying access to prescription medication for persons being processed into the jail.
8. Plaintiff was admitted to the Cook County Jail as a pre-trial detainee in November of 2005 and was confined at the Jail from on or about November 3, 2005 through on or about November 18, 2005.
9. At the time of his admission to the jail, plaintiff had serious health problems: Plaintiff had a long history of high blood pressure and suffered a stroke several years before entering the Jail. As a result of these serious health problems and in order to maintain his health and well-being, plaintiff had been prescribed and was taking a variety of prescription medications.
10. While being admitted to the Jail, plaintiff informed the appropriate intake personnel that he was taking three different prescription medications for high blood pressure and that it was essential to his continued health and well-being that he continue to receive these prescribed medications.
11. As a result of the above described policies and practices of defendants, and notwithstanding his frequent complaints to correctional officers and to employees at Cermak Health Services, plaintiff was deprived of prescribed medications for the first thirteen days of his incarceration.
12. The above referred denial of prescribed medication resulted in swelling in plaintiff's lower legs, created a serious risk to plaintiff's health, and made plaintiff fearful that he would experience another stroke and die.

13. Plaintiff demands trial by jury.

Wherefore plaintiff prays for judgment against defendants in an amount in excess of \$50,000 and requests that the Court award appropriate attorneys' fees and costs and whatsoever other relief as may be appropriate.

Respectfully submitted,

/s/ Kenneth N. Flaxman 

THOMAS G. MORRISSEY
10249 South Western Avenue
Chicago, Illinois 60643
(773) 233-7900 (phone)
(773) 239-0387 (fax)
tgmlaw@ameritech.net

KENNETH N. FLAXMAN
ARDC No. 830399
200 South Michigan Avenue
Suite 1240
Chicago, Illinois 60604-2430
(312) 427-3200 (phone)
(312) 427-3930 (fax)
knf@kenlaw.com (email)

attorneys for plaintiff